

**AFFIDAVIT OF
JAMES G. MURPHY, ESQ.**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X	
STEVEN NOVICK,	:
	:
Plaintiff,	:
	:
- against -	:
	:
AXA NETWORK LLC,	:
	:
Defendant.	:
	:
----- X	:

Case No.:
07 CIV 7767 (AKH)(KNF)

**AFFIDAVIT OF
JAMES G. MURPHY, ESQ.
IN SUPPORT OF MOTION
TO DISMISS AND TO
COMPEL ARBITRATION,
OR ALTERNATIVELY, TO
STAY ACTION**

STATE OF NEW YORK }
 } ss.
COUNTY OF NEW YORK }

JAMES G. MURPHY, being duly sworn, deposes and says:

1. I am an attorney with the firm of Epstein Becker & Green, P.C., attorneys for the Defendant AXA Network, LLC (“AXA Network”) in the above-captioned action. I submit this affidavit in support of Defendant’s Motion to Dismiss and to Compel Arbitration, or Alternatively, to Stay Action.

2. Annexed hereto as Exhibit E is a true and correct copy of Plaintiff’s Complaint in the above- captioned action.

3. Epstein Becker & Green, P.C. is also counsel for AXA Advisors, LLC (“AXA Advisors”) in an arbitration proceeding before the Financial Industry Regulatory Authority (“FINRA”) commenced against it by the Plaintiff in this action. Annexed hereto as Exhibit F is a true and correct copy of the Statement of Claim in that proceeding titled Steven S. Novick, Claimant, against AXA Advisors, LLC, Respondent, FINRA Docket No.: 07-2464.

4. Annexed hereto as Exhibit G are true and correct copies of pertinent portions of the NASD Code of Arbitration for Industry Disputes.

5. Annexed hereto as Exhibit H is a true and correct copy of Steven S. Novick's Uniform Submission Agreement provided to Respondent AXA Advisors by FINRA in connection with the above- referenced arbitration proceeding.

6. Annexed hereto as Exhibit I is a true and correct copy of the December 2001 NASD Notice to Members 01-79 regarding "Selling Away and Outside Business Activities."



JAMES G. MURPHY

Sworn to before me this
25th day of October, 2007



Notary Public

ANNA A. COHEN
NOTARY PUBLIC-STATE OF NEW YORK
No. 02CO6154997
Qualified in New York County
My Commission Expires October 23, 2010